IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2599 OF 2005

SDS Corporation ..Petitioner

Vs.

Shri Abdulla Ibrahim Mulla
and anr. ..Respondents

Mr. Jayant Pol for petitioner.
Mr. N.A. Ghatle for respondent no.1.
Mr. Y.M. Nakhawa, APP for State.

**CORAM: B.H. MARLAPALLE, J.**

**Date : July 16, 2007.**

**P.C.:**

1. Heard the learned counsel for the petitioner as well as the respondent no.1. The learned APP appears for the State.

2. This petition impugns the order passed by the learned Additional Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai on 18th August, 2004 in Criminal Case No. 799/N/1997 filed by the present respondent no.1. It is an application under Section 145 of the Merchant Shipping Act, 1958. It is

submitted by the learned counsel for the petitioner-firm that the order impugned is an ex parte order and, therefore, the principles of natural justice have been violated.

3. The petitioner is directed to deposit an amount of US $ 4000 within a period of four weeks from today with the Registry of the Trial Court and on such deposit having been made, if the petitioner applies for hearing on merits the application filed by the complainant, both the parties shall be heard and appropriate orders shall be passed within eight weeks thereafter.

4. The petition is disposed off in terms of the above directions. Writ to go to the trial court forthwith.

**(B.H. Marlapalle,J.)**